

## **Chapter 8.26**

### **NUISANCES**

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#### **8.26.010      Noxious or Offensive Use of Building or Premises.**

No building or premises in any part of the city or within three miles of the corporate limits thereof shall be used for any trade, industry, or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, water, spray, or other substance or residue, or that is detrimental to the public health, safety, or welfare, and the use of such building or premises for such purpose is hereby declared to constitute a public nuisance. (Ord. 15559 §1; May 14, 1990: P.C. §8.44.010: Ord. 9788 §1; June 2, 1969: prior Ord. 3489 §11-1101, as amended by Ord. 6257; January 3, 1956).

#### **8.26.020      Deposit and Accumulation of Offensive Substances Prohibited.**

Whether within the city or within three miles of the corporate limits thereof, it shall be unlawful for any person to deposit or to permit the accumulation of any foul, decaying, or putrescent substances or other offensive matter in or upon any lot, street, or public way, or in or upon any public or private place, to permit the overflow of any foul liquids or the escape of any gas to such an extent that the same, or any of them, shall become, or are likely to become, hazardous to health, or that the same shall by reason of offensive odors, become a source of discomfort to persons living or passing in the vicinity thereof or otherwise unreasonably interfere with the public health, safety, or welfare; and such conditions and things, as aforesaid, and each and all of them are hereby declared to be a public nuisance. (Ord. 15559 §2; May 14, 1990: P.C. §8.44.030: Ord. 9788 §3; June 2, 1969: prior Ord. 3489 §11-1103; July 6, 1936).

#### **8.26.030      Offensive Substances Prohibited; Notice to Remove.**

(a) It shall be the duty of every owner, lessee, tenant, or occupant of any lot or parcel of ground within the city or within three miles of the corporate limits thereof to keep said premises owned, leased, or occupied by such person free from garbage, refuse, rubbish, brush, trash, junk, old building material, offal, manure, and any other offensive or unwholesome matter, and it shall be unlawful for such owner, lessee, tenant, or occupant of such lot or parcel of ground to permit, keep, or maintain thereon any such condition liable to become putrid or injurious to the public health, or any such condition liable to produce disease, or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria, or any other rodents or insects. The maintenance or permitting of any of the foregoing conditions

on any such lot or parcel of ground is hereby declared to be a public nuisance and shall constitute a misdemeanor punishable as hereinafter provided in this code.

(b) Whenever it shall come to the knowledge of the Health Director that there exists upon such lot or parcel of ground such nuisance, the Health Director shall cause a notice to abate and remove said nuisance within five days to be served upon the owner or the owner's authorized agent, and upon the tenant or occupant of said premises. Said notice shall be served either in person or by mailing such notice by certified or registered mail. If such owner, lessee, tenant, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of the date fixed in such notice, the Director of Health may cause such nuisance to be removed from such parcel or lot, and from any roads, streets, or alleys abutting thereon.

(c) If the Health Director determines that there exists upon any lot or parcel of ground the conditions described above in such a manner as to constitute an immediate nuisance and hazard to the public health and safety, the director shall request the Mayor to declare that such an immediate public nuisance exists, and after any such declaration, the Health Director shall cause to be issue a written notice to abate and remove such public nuisance from such lot or parcel of land within twenty-four hours. Said notice shall be served by personal service upon the owner or the owner's authorized agent, and to any tenant, lessee, or occupant of the premises. If such owner, tenant, lessee, or occupant shall have failed or refused to abate and remove such nuisance at the expiration of twenty-four hours from delivery of notice, the Health Director shall cause such nuisance to be removed from such parcel or lot and from any roads, streets, or alleys abutting thereon. (Ord. 15559 §3; May 14, 1990: P.C. §8.44.040: Ord. 12093 §1; September 12, 1977: prior Ord. 11149 §1; July 22, 1974: Ord. 9788 §4; June 2, 1969: Ord. 3489 §11-1104, as amended by Ord. 5402; December 8, 1952).

#### **8.26.040 Report to Council; Assessment of Cost; Collection of Assessment.**

The Health Director shall, not later than the fifteenth day of September of each year, report to the City Council on all real estate cleared of a public nuisance since September first of the previous year under the provisions of this chapter, together with the costs thereof. Whereupon, the City Council, after public hearing at a regular council meeting, shall by resolution assess the costs against such real estate; provided, that notice of the time of such meeting of the City Council for making such assessment and for the purpose of such meeting shall be published once in a newspaper published and of general circulation in the city at least five days before said meeting of the council is held, or in lieu thereof, notice may be given to the owners of such real estate by personal service thereof five days before such hearing. Any such assessment, when assessed as provided in this section, shall be a lien upon such real estate from the date of assessment and shall be collected in the same manner as general taxes. Such assessment shall be delinquent after December first following the date of assessment and shall draw interest as provided in Neb. Rev. Stat. § 45-104.01 for assessments. Nothing herein shall prevent the city from accepting payment or collecting for the related costs by any other means permitted by law. (Ord. 15559 §4; May 14, 1990: P.C. §8.44.041: Ord. 12093 §2; September 12, 1977).

#### **8.26.050 Noxious or Offensive Use of Premises Within Three-Mile Area.**

It shall be unlawful for any person to maintain or operate in any part of the city, or within three miles of the corporate limits thereof, a slaughter house, stockyard, warehouse, stable, or other place where offensive matter is kept or is likely to accumulate, in such a manner as to permit the emission of odor, dust,

smoke, fumes, gas, or noise to such an extent that the same or any of them shall become, or be likely to become, hazardous to health, a source of discomfort to persons living or passing in the vicinity thereof, or an unreasonable interference with the public health, safety, or welfare. Such condition and things, as aforesaid, and each and all of them, are hereby declared to be a public nuisance. (Ord. 15559 §5; May 14, 1990: P.C. §8.44.050: Ord. 9788 §5; Jun 2, 1969: prior Ord. 3489 §11-1105, as amended by Ord. 5402; December 8, 1952).

#### **8.26.060 Definitions.**

For the purposes of this chapter, the following definitions shall prevail, to wit:

Garbage shall mean all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in or storage of meats, fish, fowl, fruits, vegetables, cereals, or grains for human consumption, and coffee or tea grounds.

Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, dismantled or wrecked automobiles, trucks, tractors, and farm machinery or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material, which are not held for remelting purposes by an establishment having facilities for remelting material.

Refuse shall mean all garbage as hereinbefore defined, ashes and sweepings, paper, cardboard, rags, glass, feathers, dishes, bottles, crockery, utensils of every kind and nature, pans, pasteboard boxes, lye, poisons, food containers, tin cans, grass cuttings, leaves, tree limbs and branches, discarded automobile bodies, automobiles, parts of automobiles, machinery, parts of machinery, and any other waste matter or material not herein defined as garbage which accumulates in the operation of a household, business establishment, factory, or shop of any kind or nature. (Ord. 15559 §6; May 14, 1990: P.C. §8.44.060: Ord. 11149 §2; July 22, 1974).